

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )                           8:19CR329  
                                )  
vs.                         )  
                                )  
WARREN LEE MACKEY,      )                           ORDER  
                                )  
Defendant.                 )

This matter is before the court on the plaintiff's Motion to Continue Trial [68]. Counsel informs that the mother of the alleged victim, her adult attendant whom she is entitled to under 18 U.S.C. § 3509(i), is unavailable the week of the scheduled trial, as is the retired former case agent intended to be called as a witness but scheduled for surgery requiring one month of recuperation. The defendant has no objection to a continuance. Although the parties ask for a date certain, the trial will be continued to the next available date. For good cause shown,

**IT IS ORDERED** that the Motion to Continue Trial [68] is granted, as follows:

1. The jury trial, now set for August 10, 2021, is continued to **October 5, 2021**.
2. In accordance with 18 U.S.C. § 3161(h)(7)(A), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **today's date and October 5, 2021**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. Failure to grant a continuance would deny the government continuity of counsel, or the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).
3. **No further continuances will be granted without a hearing before the undersigned magistrate judge.**

DATED: July 19, 2021.

BY THE COURT:

s/ Michael D. Nelson  
United States Magistrate Judge